

ZB# 76-11

Vincent & Robert Biagini

(no S-B-L given)

Public Hearing

April 26, 1976

8:30 p.m.

OCRD ~~has to be~~ notified
on 4/26/76

Fee to Town paid 4/28/76.

Due to Town Clerk fee on

4/27/76.

GENERAL RECEIPT

2791

Town of New Windsor, N. Y.

Received of Blooming Grove Operating (Bliagun) \$ 25.00
Twenty - Five and 00/100 Dollars
 For Variance Application

DISTRIBUTION

FUND	CODE	AMOUNT
25.00		
Check		

BY Charlotte Mantonio
Deputy
 TITLE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
ROBERT BIAGINI and VINCENT BIAGINI

DECISION GRANTING
AREA VARIANCE (LOT WIDTH)

-----X
WHEREAS ROBERT BIAGINI and VINCENT BIAGINI of Woodcock Mountain Road,
Washingtonville, New York, have applied to the Zoning Board of Appeals for an area
variance to permit the construction of a building on premises located on Route 32,
New Windsor, New York, to be known as "Jahn's Ice Cream"; and

WHEREAS the applicants seek a 24 ft. lot width variance in a C zone; and

WHEREAS a public hearing was held on the 26th day of April, 1976 at which
time no opposition appeared to the application; and ROBERT BIAGINI appeared on behalf of
himself and his brother, VINCENT BIAGINI; and

WHEREAS notice of the public hearing was published in The Evening News
and due notices to residents and businesses within 500 feet of the subject premises by
certified mail were sent out; and

WHEREAS the Zoning Board of Appeals makes the following findings of
fact in this matter:

1. The proposed 24 ft. lot width variance would not effect the general
character of the neighborhood since the area is designated as a C zone.

2. The proposed operation is attractive and will be an asset to the
community both tax wise and otherwise.

WHEREAS the Zoning Board of Appeals makes the following determinations
of law in this matter:

1. The variance sought is not substantial in relation to the legally
required lot width;

2. The proposed variance would have no affect on the governmental facilities
available;

3. There will be no substantial change in the character of the neighborhood nor a substantial detriment to the adjoining properties;

4. There is no feasible method for the applicant to erect the building on this lot other than through a variance;

5. There are no other factors of interest bearing on this matter.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grants a lot width variance as hereinabove requested; and

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicants, the Town Planning Board and the Town Clerk.

Dated: May 24, 1976.


THEODORE JARGSTORFF, Chairman

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 76-11

1. Municipality Town of New Windsor Public Hearing Date 4/26/76

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME Robert & Vincent Biagini

Address Woodcock Mt. Rd., Washingtonville, N.Y.

Attorney, Engineer, Architect _____

3. Location of Site: Route 32 - Windsor Highway - adjacent to Windsor Farms
(street or highway, plus nearest intersection) & Highland Bank

Tax Map Identification: Section _____ Block _____ Lot _____

Present Zoning District C Size of Parcel 42,000 sq. feet.
Approx.

4. Type of Review:

☐ Special Permit Use* _____

☒ Variance* Use 24 ft.
Area Lot width variance sought. ~~9 ft.~~

☐ Zone Change* From: _____ To: Variances

☐ Zoning Amendment* To Section: _____

☐ Subdivision** Major _____ Minor _____

4/20/76
Date

Patricia Ragansky
Signature and Title

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

76-11
(Number)

4/12/76
(Date)

I. Applicant information:

- (a) VINCENT BIAGINI and ROBERT BIAGINI
(Name, address and phone of Applicant)
- (b) Woodcock Mountain Road, Washingtonville, N. Y. - 496-9181
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance 24 ft. (Lot width)
- ☒ Sign variance
- ☐ Special permit

III. ☒ Property information:

- (a) C Windsor Highway, Rt. 32, 42,000 sq. feet approx.
(Zone) (Address) New Windsor, N.Y. (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? March 1976
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. _____

(Number)

4/12/76
(Date)

I. Applicant information:

(a) VINCENT BIAGINI and ROBERT BIAGINI
(Name, address and phone of Applicant)

(b) Woodcock Mountain Road, Washingtonville, N. Y. - 496-9181
(Name, address and phone of purchaser or lessee)

(c) _____
(Name, address and phone of attorney)

(d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance ^{24 ft.} (Lot width)
- ☒ Sign variance
- ☐ Special permit

III. Property information:

(a) C Windsor Highway, Rt. 32, 42,000 sq. feet approx.
(Zone) (Address) New Windsor, N.Y. (M B L) (Lot size)

(b) What other zones lie within 500 ft.? NC

(c) Is a pending sale or lease subject to ZBA approval of this application? no

(d) When was property purchased by present owner? March 1976

(e) Has property been subdivided previously? no When? _____

(f) Has property been subject of variance or special permit previously? no When? _____

(g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when _____

(h) Is there any outside storage at the property now or is any proposed? Describe in detail. _____

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 4.2, Table of Bulk, Column 5

<u>Requirements</u>	<u>Regulations</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width	<u>X 200.</u>	<u>176</u>	<u>24</u>
Reqd. Front Yard			
Reqd. Side Yards	<u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard			
Reqd. Street Frontage*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Development Coverage*	<u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**			

* Residential districts only

** Non-residential districts only

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

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Reqd. Rear Yard			
Reqd. Street Frontage*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Development Coverage*	<u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**			

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Property was purchased by applicants with the expressed intent of using same for commercial purposes and property is zoned as such.

The fact that the property is 24 ft. short makes it difficult to use the property for which it was zoned.

Also, a sign variance would be needed to advertise the use of this commercial property since it is new in New Windsor.

~~VI.~~ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section ~~10~~, Table ~~of Bulk~~ Column ~~3~~ A - C10.

Free standing - double faced 14' x 8'

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign ①	<u>10</u>	<u>96</u>	<u>86</u>
Sign 2	<u> </u>	<u> </u>	<u> </u>
Sign 3	<u> </u>	<u> </u>	<u> </u>
Sign 4	<u> </u>	<u> </u>	<u> </u>
Sign 5	<u> </u>	<u> </u>	<u> </u>
Total	<u>10</u> sq.ft.	<u>96</u> sq.ft.	<u>86</u> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

The fact that the property is 24 ft. short makes it difficult to
use the property for which it was zoned.

Also, a sign variance would be needed to advertise the use of
this commercial property since it is new in New Windsor.

☒ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law,
Section , Table of Bulk Column A - C 10.

Free standing - double faced 4x8

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign ①	<u>10</u>	<u>96</u>	<u>86</u>
Sign 2	<u> </u>	<u> </u>	<u> </u>
Sign 3	<u> </u>	<u> </u>	<u> </u>
Sign 4	<u> </u>	<u> </u>	<u> </u>
Sign 5	<u> </u>	<u> </u>	<u> </u>
Total	<u>10</u> sq.ft.	<u>96</u> sq.ft.	<u>86</u> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.

____ Copy of contract of sale, lease or franchise agreement.

- ☒ Copy of tax map showing adjacent properties

- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

____ Copy(ies) of sign(s) with dimensions.

- ☒ Check in amount of \$25.00 payable to Town of New Windsor.

☒ Check in the amount of \$25.00 payable to Secretary for taking public photos of existing premises which show all present signs and landscaping.

☐ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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☐ Copy(ies) of sign(s) with dimensions.

☒ Check in amount of \$25.00 payable to Town of New Windsor.

☒ Check in the amount of \$25.00 payable to Secretary for taking public photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

☐ Other

Public Hearing 8:30 - 4/26/76 - Bragini

Name:

Eugene Odell
Joe Edgall

Address:

~~Bank~~ Representing Highland Natl Bk
" NEWBURGH SAVINGS
BANK

April 19, 1976

Mr. Henry Van Leeuwen, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS SCHEDULED FOR APRIL 26, 1976

Dear Hank:

Kindly be advised that the following public hearings will be held on Monday evening, April 26, 1976 at the Town Hall before the Zoning Board of Appeals:

#76-6 - Gordon Carpet Outlet at 8 p.m.

#76-10 - Jame & Charles Thompson at 8:15 p.m.

#76-11 - Robert & Vincent Biagini at 8:30 p.m.

I have enclosed herewith copies of the above applications together with a copy of each public hearing notice which appeared in The Evening News on April 17, 1976.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosures

Cc: Howard Collett.

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 11

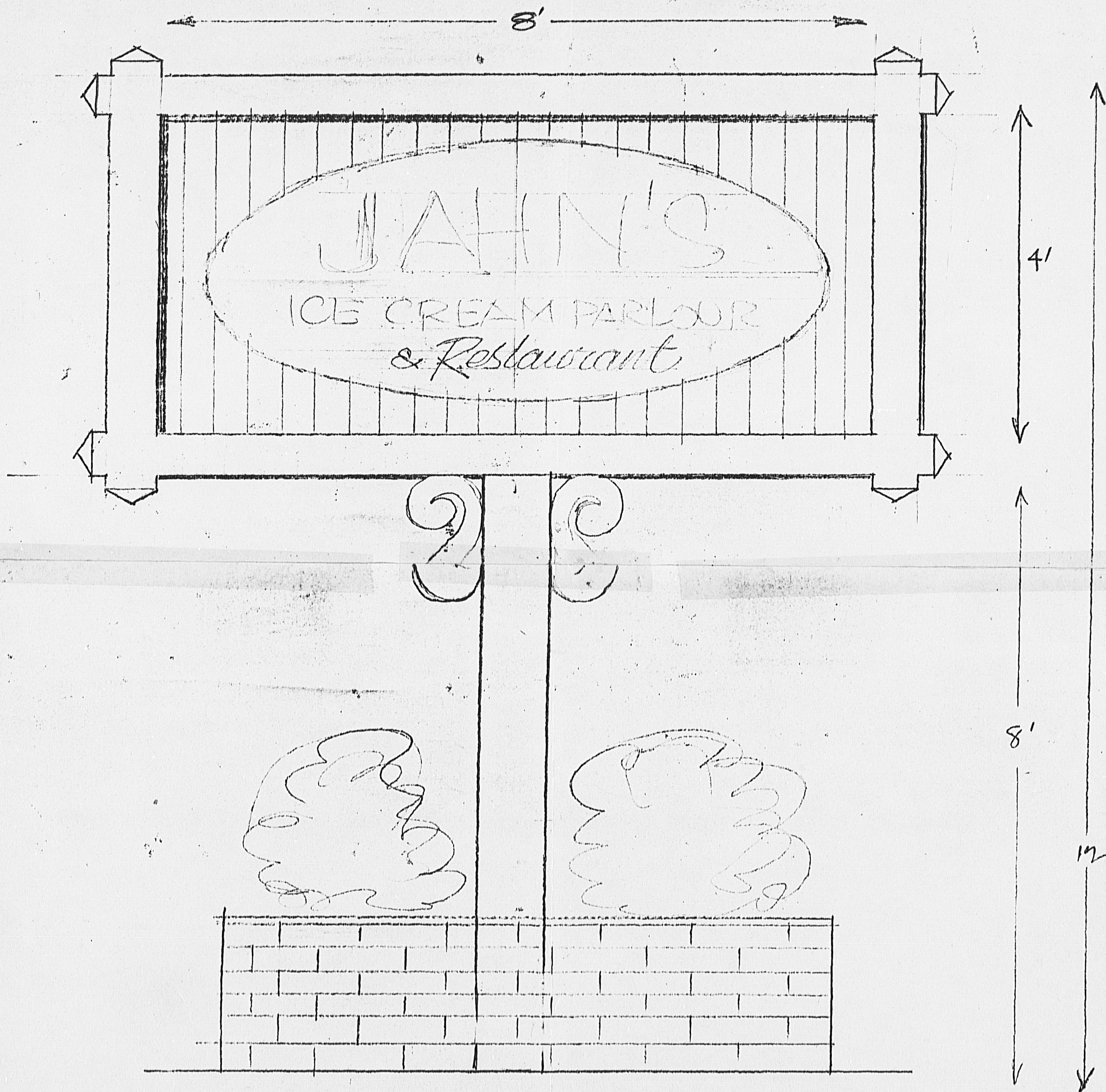
Request of VINCENT BIAGINI and ROBERT BIAGINI

for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
insufficient lot width

being a Variance ~~Special Use Permit~~ of
Section 4.2 - Table of Bulk Regulations-Part II- Column 5,
for property situated at: Route 32, Windsor Highway,
adjacent to Windsor Farms and Highland National Bank,
New Windsor, N.Y.

SAID HEARING will take place on the 26th day of April, 1976,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:30 o'clock P. M.

THEODORE JARGSTORFF,
Chairman



BURGESS SIGN & ART, INC.
561-7980

